



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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August 22, 2013

Doughnut Joe's, LLC
c/o Joe DeFazio
P.O. Box 9143
Monongah, WV 26554

**RE: V13-41 / Doughnut Joe's, LLC / 1899 Earl Core Road
Tax Map 33, Parcel 52**

Dear Mr. DeFazio,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369 as it relates to signage at 1899 Earl Core Road. The decision is as follows:

Board of Zoning Appeals, August 21, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a 69.06 square foot variance from the related maximum wall sign standard so that the nine (9) proposed wall signs may be developed and not exceed 95.76 square feet.
3. The Board approved a 24 foot variance from the related maximum sign height standard so that the proposed post-and-panel sign may be developed and not exceed 30 feet in height.
4. The Board approved a 10 foot variance from the related maximum sign area standard so that the proposed post-and-panel sign may be developed and not exceed 42 square feet in area.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V13-41 / Doughnut Joe's, LLC / 1899 Earl Core Road

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

According to the MPO, the traffic volume at the Earl Core Road and Eljadid Street intersection was 23,178 on 10-Apr-2013. The storefront is approximately 140 feet from the Earl Core Road center roadway line.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There appears to be a number of wall signs and ground signs within the Earl Core Road commercial corridor that exceed the maximum area and height standards. Additionally, the BZA has granted similar relief within the immediate area since the sign standards were revised in the 2006 major zoning ordinance amendment.

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The location and height of the existing post-and-panel sign appears to have been in place for several years with no appreciable harm to public welfare, public or private improvements, or the built environment.

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The improved land use of the site along with the requested signage should not contribute to additional traffic congestion any more than the present businesses located along the same commercial corridor. With the land use being similar to the other business within the commercial corridor, along with the requested signage type, size, and design being characteristic of neighboring signs within the B-2 District, adverse impacts to market value of the subject or neighboring properties, improvements, or uses are not anticipated.